

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2005-338-T - ORDER NO. 2006-253

APRIL 24, 2006

|   |   |                  |
|---|---|------------------|
| IN RE: Application of RB Hawkins & Sons, LLC, | ) | ORDER DISMISSING |
| 523 West Main Street, Spartanburg, South      | ) | APPLICATION AND  |
| Carolina 29301 (District 4) for a Class C     | ) | RESCINDING       |
| Charter Certificate of Public Convenience and | ) | AUTHORITY        |
| Necessity.                                    | ) |                  |

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of RB Hawkins & Sons, LLC (RB Hawkins or the Applicant) to rescind the Applicant's authority to operate under a Class C Charter Certificate of Public Convenience and Necessity.

A review of the docket file reveals that RB Hawkins was granted authority to operate as a motor carrier in South Carolina under a Class C Charter Certificate of Public Convenience and Necessity (Certificate) by Order No. 2005-639, dated November 3, 2005. In Order No. 2005-639, the Commission directed the Applicant to file, or caused to be filed, with the ORS the proper license fees, proof of liability insurance (i.e. "Form E"), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs.103-100 through R.103-241 (Supp. 2004) of the Commission's Rules and Regulations for Motor Carriers, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 (Supp. 2004) of the Department of Public Safety's Rules and Regulations for Motor Carriers, within sixty (60) days of the date of the Order, or within such additional time as may be authorized by the Commission.

Further, Order No. 2005-639 instructed the Applicant that the failure to either complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance and the payment of license fees and such other information required by law within sixty (60) days of the date of the Order or to request and obtain from the Commission additional time to comply with the stated requirements, would result in the Applicant's authorization being revoked.

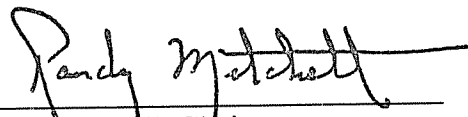
By letter filed March 21, 2006, the ORS petitioned the Commission to dismiss the Application of RB Hawkins stating that RB Hawkins had failed to comply with the rules and regulations of the Commission as required by Order No. 2005-639. According to the ORS, the Applicant had neither filed the appropriate documentation nor requested an extension of time; therefore, the ORS requested the Application of RB Hawkins be dismissed. On March 22, 2006, a Notice was issued by the Commission and served upon RB Hawkins, which notified RB Hawkins of the ORS's petition to dismiss and of the time and manner in which to respond to the ORS's petition. By letter filed with the ORS on March 28, 2006, and received by the Commission on April 6, 2006, RB Hawkins advises that the Certificate in question is no longer needed by RB Hawkins. We will construe RB Hawkins letter as a request to rescind RB Hawkins' authority granted in Commission Order No. 2005-639.

After due consideration of the request of the Applicant and the request of the ORS, the Commission is of the opinion, and so finds, that its previous Order No. 2005-639 granting RB Hawkins authority to provide motor carrier services should be rescinded and that the Application herein should be dismissed.

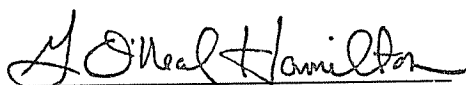
IT IS THEREFORE ORDERED:

1. That Commission Order No. 2005-639, dated November 3, 2005, granting authority to RB Hawkins & Sons, LLC to provide motor carrier services under a Class C Charter Certificate of Public Convenience and Necessity is rescinded.
2. That the Application of RB Hawkins & Sons, LLC for a Class C Charter Certificate of Public Convenience and Necessity is dismissed.
3. That this Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSION:

  
\_\_\_\_\_  
Randy Mitchell, Chairman

ATTEST:

  
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G. O'Neal Hamilton, Vice Chairman

(SEAL)